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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : ABELS et al.
Serial No :
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For : BALL-AND-SOCKET JOINT
Art Unit : 3679
Examiner : Ernesto Garcia
Dated : July 31, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Prior to initial examination of this application, Applicant presents the following remarks in response to the last Office Action in the parent application.

REMARKS

The new specification, drawings and claims have been changes to improve the style of this application, and to include the changes made in the parent application. Applicant thanks the Examiner for the careful reading of the specification and claims, for pointing out discrepancies, and for providing suggestions.

In particular the drawings have been changed to give different reference characters for different variations of the sliding ring, collar and ball race. It is Applicant's position that the slight variations, such as for the sliding ring, still indicate that the overall structure is a sliding

ring. Applicant has used letters after the original reference character, to show that while there may be slight variations in the elements, each variation is still considered to be described under the generic term for the element. If the Examiner has any comments or suggestions for alternate labeling of the elements and their variations, the Examiner is invited to contact Applicant's representative by telephone to discuss possible changes.

The drawings have also been objected to because a detailed sectional view along a line of Fig. 9 has not been provided. Applicant is unsure what type of detailed sectional view the rejection is asking for, or to what line is being referred. Fig. 9 has been previously submitted to the Patent Office on December 26, 2001. Applicant notes that this Fig. 9 is a detailed sectional view along the line of Fig. 9. Therefore it appears that the objection was satisfied by the Fig. 9 of December 26, 2001. If the Examiner has any comments or suggestions for alternate figures, the Examiner is invited to contact Applicant's representative by telephone to discuss possible changes.

The independent claims have been rejected in the parent application as being anticipated by Gardner. Applicant thanks the Examiner for providing a marked-up attachment.

The new independent claims set forth a ball race fixed on a ball pivot and a sliding ring being slidably mounted, connected or arranged into the ball race. The rejection equates element 27 of Gardner with the sliding ring of the present invention, and equates element 26 of Gardner with the ball race of the present invention. The rejection states that element 27 of Gardner is slidably inserted into element 26. Applicant has reviewed Gardner, and finds no teaching nor suggestion in Gardner that elements 26 and 27 are slidably connected to each

other. The rejection states that the sections 26 and 27 are sleeved together as far as the neck 31 will permit with the edge of the neck 29 spun outwardly against the bottom flange 30 to secure the sections together, page 1 lines 33 - 36. This is not a disclosure that the sections 26 and 27 are slidably arranged with respect to each other. Since Gardner does not specifically teach the feature of elements 26 and 27 being slidably connected to each other, elements 26 and 27 of Gardner cannot anticipate all of the features of the independent claims. Since the sliding mounting, connection, or arrangement between the sliding ring and the ball race of the independent claims is not specifically taught in Gardner, the independent claims therefore cannot be anticipated by Gardner.

Applicant has further reviewed Gardner, and finds no suggestion or motivation in Gardner which would lead a person of ordinary skill in the art to have elements 26 and 27 be slidably connected to each other. Applicant notes that Gardner specifically describes that the constricted upper end 20 of the jacket 19 fits snugly but rotatably between the top and bottom flanges 28 and 30 of the ring. Since the upper end 20 is rotatable between elements 28 and 30, Applicant finds no need for elements 26 and 27 to be slidably connected to each other. Furthermore, since the edge of the neck 29 in Gardner is spun outwardly against the bottom flange 30 to secure the sections together, the person of ordinary skill in the art would be led to make the connection very secure, which would cause elements 26 and 27 to be fixed to each other and not to be slidable. When spinning the bottom edge of neck 29 to make the secure connection, a person would be led to over spin the edge to make sure that the connection is secure. Such over spinning would not allow sections 26 and 27 to slide.

Applicant notes that securing sections 26 and 27, while still allowing the sections to slide, would require extra effort to more precisely control the spinning. Applicant finds no suggestion or motivation in Gardner which would lead a person of ordinary skill in this art to make this extra effort. Since the suggestion or motivation to have a sliding relationship between a sliding ring and a ball race is not found in Gardner, Gardner cannot cause the independent claims to be obvious.

Applicant also notes that a modification of Gardner to have elements 26 and 27 rotate or slide with respect to each other would be leading away from the principal of operation of Gardner. Gardner specifically indicates that the upper end 20 of the jacket 19 fits snugly between the top and bottom flanges 28 and 30. If section 27 would be slidably connected to section 26, the friction from the upper end 20 of the jacket 19 fitting snugly between the top and bottom flanges of Gardner, would not allow the upper end 20 of the jacket 19 to be rotatable between the top and bottom flanges 28 and 30 of the ring. A slidably connection of section 27 into 26, we have 27 rotate with respect to 26, and would not allow the snug fit between the jacket and the flanges to rotate. Therefore a modification of Gardner towards the present invention would lead a person away from the feature of the jacket being rotatable between top and bottom flanges.

Applicant further notes that element 27 of Gardner is not slidably inserted into a "ball race". Applicant notes that element 26 does not form any race in Gardner. Instead Gardner specifically indicates that section 26 has a tubular neck 29 where an edge of the neck is spun outwardly against the bottom flange 30 to secure these sections together. By Gardner

specifically indicating that the edge of the neck 20 is spun outwardly to secure the sections together, Gardner specifically teaches away from element 26 being a ball race. Element 26 does not provide any race, but instead forms an element which fixes or connects securely to the section 27. Since Gardner does not describe a ball race, or a race of any kind, Gardner cannot anticipate all of the features of the independent claims. The independent claims therefore further cannot be anticipated by Gardner.

Applicant further finds no suggestion or motivation in the prior art which would lead a person to form element 26 as a ball race, or as a race of any kind. Without any suggestion or motivation to modify Gardner, Gardner cannot cause the race of the independent claims to be obvious.

It is Applicant's position that the relationship between the ball race and the sliding ring would be clear to a person of ordinary skill in the art. The person of ordinary skill in the art would realize that the relationship between the race and the sliding ring as set forth in the independent claims is much different than the relationship between elements 26 and 27 in Gardner.

Applicant notes that the original German term for the ball race 5 was "Lauftring". The broadest translation of this term into English is "race". Sometimes this term is often used to also include "ball races". Therefore the use of the term "race" for element 5 is within the original disclosure, especially the German disclosure in the priority application.

If the Examiner has any comments or suggestions which would further favorable prosecution of this application, the Examiner is invited to contact Applicant's representative by

telephone to discuss possible changes.

At this time Applicant respectfully requests reconsideration of this application, and based on the above amendments and remarks, respectfully solicits allowance of this application.

Respectfully submitted
for Applicant,

By: 

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SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-0410.

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DATE: July 31, 2003